

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>CUONG TAN HUYNH,</b>	:	
<b>Petitioner,</b>	:	
<b>v.</b>	:	<b>CIVIL ACTION 10-0538-CG-M</b>
	:	<b>CRIMINAL ACTION 05-00299-CG-M</b>
<b>UNITED STATES OF AMERICA,</b>	:	
<b>Respondent.</b>	:	

**ORDER**

After due and proper consideration of all pleadings in this file, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that this petition for writ of habeas corpus is **DENIED** and that this action is hereby **DISMISSED**. Furthermore, the Court finds that Petitioner is not entitled to a certificate of appealability and, therefore, is not entitled to appeal in forma pauperis.

**DONE and ORDERED** this 2nd day of September, 2011.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE